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10/614,960	07/08/2003	Shun-Min Chen	7235	8796

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
3618	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/614,960

Applicant(s)

CHEN, SHUN-MIN

Examiner

Frank Vanaman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above claim(s) 21-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☒ Claim(s) 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/8/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Election/Restrictions**

1. Applicant's election without traverse of Species II in the reply filed on April 25, 2005 is acknowledged. Applicant has asserted that newly added claims 8-27 read on the elected species. Claims 21-27 include limitations not shown in association with the elected species, namely the provision of the adjusting apertures in the handrail rather than the U-shaped clip, the provision of the frame-supporting projection on the rear leg portion (note figure 8) and the use of a sliding sleeve element. As such, these claims appear to be directed to a non-elected species and are hereby withdrawn from consideration. New claims 21-27 were presented after the election requirement, and it is not entirely clear why applicant would present claims to a non-elected species and assert a belief that all presented claims (8-27) read on the elected species (remarks, page 9 of the response). Applicant may desire to clarify this issue so as not to cloud the prosecution.

### **Drawings**

2. Figures 1A and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

3. The abstract of the disclosure is objected to because of the following informalities: on line 1 of the abstract (line 3 of the page), "is disclosed" is redundant and should be deleted; on lines 10, 11 and 13 of the abstract, it is not clear what a braking 'flake' is; additionally, the abstract is too long. Correction is required. See MPEP § 608.01(b) which sets forth the requirements for an abstract of the disclosure.

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4. The disclosure is objected to because of numerous grammatical informalities, such as: at page 1, lines 10-11, "and get the bones broken"; page 1, line 13, "should be sat on"; page 2, line 3 "portion is integrally welding"; page 2, line 22 (and throughout the description of figure 6 on pages 5 and 6) "braking flakes"; page 3, line 31, "to the accompany drawings"; page 5, line 38 - page 6, lines 1-2, "free end ... are inserted"; page 6, lines 6-8, the various references to the wire 50 being 'extruded'. This has been an exemplary listing ONLY. The entire specification should be carefully reviewed and revised for appropriate grammar.

Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Garner (US 3,459,435). Garner teaches a stroller having a handrail portion (38) a front leg portion (34) connected to the handrail portion (through 150) and to a pair of front wheels (44/50), a seat and a rear leg portion (28, 56) provided with a pair of rear wheels (66), a backrest portion (80/78) connected to the seat and rear leg portions, and being adjustably connected to the handrail portion (e.g., 90), by a clip (92) which allows adjustment of the angle of the backrest portion, the clip provided with plural holes (102) and an adjusting member (104) having a bolt end, which may engage the holes to set the angle.

7. Claims 8 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shamie (US 4,529,219). Shamie teaches a stroller having a handrail portion (32) a front leg portion (34) with front wheels (24), a seat and rear leg portion (18, 20), provided with a pair of rear wheels (22), and a backrest (16) the angle of which may be adjusted with

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respect to the handrail (by operation of 50 and pivoting at 38); the seat portion (20) being provided with a frame supporting projection (54), the rear leg portion being provided with the rear wheels; the backrest being provided with a frame fixing hook (50) having an open slot (56) for engaging the projection (54), and additionally provided with a biasing member (58), for maintaining the hook in connection with the projection.

### **Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner. Garner teaches a stroller having a handrail portion (38) a front leg portion (34) connected to the handrail portion (through 150) and to a pair of front wheels (44/50), a seat and a rear leg portion (28, 56) provided with a pair of rear wheels (66), a backrest portion (80/78) connected to the seat and rear leg portions, and being adjustably connected to the handrail portion (e.g., 90), by a clip (92) which allows adjustment of the angle of the backrest portion, the clip provided with plural holes (102) and an adjusting member (104) having a bolt end, which may engage the holes to set the angle. The reference to Garner fails to teach the clip as being provided on the backrest with the adjusting member being provided on the handrail portion. The reversal of working parts of mating elements is well known to be within the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the adjusting member on the handrail and the clip with apertures on the backrest for the purpose of lightening the mechanism associated with the backrest.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garner in view of Reid (US 3,138,400). The reference to Garner is discussed above and fails to

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teach the provision of a U-shaped clip portion which receives the handrail. Reid teaches an adjustable seat positioning device which includes a clip portion having a plurality of apertures for setting various orientation angles (5) and plural U-shaped portions (see figure 2, for example) which engage a tubular member of the seat (e.g., 9 or 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the clip taught by Garner with a U-shaped portion which partially receives the handrail portion, as taught by Reid's clip device, for the purpose of providing a more structurally secure connection to the handrail.

### **Allowable Subject Matter**

11. Claims 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

12. Applicant is reminded that claims 21-27 are withdrawn from consideration as being directed to aspects of a non-elected species. Election was made without traverse in the response filed April 25, 2005.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gallinant (US 1,861,958), Jones et al. (US 3,379,450), Haley (US 4,116,464), Kassai (US 4,265,466), Yee (US 4,834,415), Cabagnero (US 5,669,625), Cheng et al. (US 5,765,665), Huang (US 5,871,227), Hanson et al. (US 6,086,086), and Davidson (US 6,575,492) teach chair structures of pertinence.

14. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop \_\_\_\_\_

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Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326

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Customer Service Communications: 703-872-9325

**F. VANAMAN**

**Primary Examiner**

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7/6/05